

State of South Carolina

Before the

South Carolina Public Service Commission

RE:	Application of Aqua South)	
	Carolina for Approval of a New)	
	Schedule of Rates and Charges)	Docket No. 2009-12-S
	for Sewerage Services Provided)	
	to Customers in Spartanburg)	
	County)	

Settlement Testimony

of

Brian P. Devine

On Behalf of

Aqua South Carolina

May 26, 2009

1 **BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**

2 **AQUA SOUTH CAROLINA, INC.**

3 **SETTLEMENT TESTIMONY OF BRIAN P. DEVINE**

4 **DOCKET NO. 2009-12-S**

5 **May 26, 2009**

6 **Q. Please state your name and business address.**

7 A. My name is Brian P. Devine. My business address is 762 W. Lancaster Avenue,
8 Bryn Mawr, PA.

9 **Q. Where are you employed and in what capacity?**

10 A. I am employed by Aqua Services, Inc. as a Rate Analyst.

11 **Q. Have you previously submitted testimony in this docket?**

12 A. Yes. I have submitted direct and rebuttal testimony in this docket.

13 **Q. What is the purpose of your settlement testimony in this proceeding?**

14 A. The purpose of my settlement testimony is to sponsor the Settlement Agreement
15 in this docket regarding the company's application for adjustment of certain rates
16 and charges for the provision of sewer charges.

17 **Q. Has Aqua South Carolina entered into a settlement agreement with the**
18 **Office of Regulatory Staff?**

19 A. The Office of Regulatory Staff examined our application in this docket comparing
20 it to the books, records, and facilities at Aqua. As a result of this examination,
21 ORS has proposed a rate adjustment that is fair and equitable. Aqua has entered
22 into a Settlement Agreement with the Office of Regulatory Staff.

1 **Q. Is the Settlement Agreement a reasonable means of resolving the issues in**
2 **this Case?**

3 A. Yes it is. The agreed upon rates are based on a 12.25% operating margin and
4 allow the company to earn sufficient revenue to ensure safe and reliable service to
5 its customers at an affordable rate. The company believes that the proposed
6 settlement rates fairly distribute the costs of providing these services to the
7 consumer, while at the same time placing the company on a more stable financial
8 footing. Additionally, the Office of Regulatory Staff has stipulated that this
9 agreement serves the public interest.

10 The company is committed to operating in an environmentally responsible
11 manner. We believe that the agreed upon rates in the comprehensive Settlement
12 Agreement are reasonable, fair, responsible, non-discriminatory, and justified
13 when considered as part of the Settlement Agreement in its entirety and in light of
14 the customers' needs, the company's requirements to meet customers' needs, and
15 the company's commitment to do so in compliance with the regulations of this
16 Commission, DHEC, and other regulatory agencies having jurisdiction over the
17 company.

18 **Q. Is Aqua seeking waivers of certain Public Service Commission regulations in**
19 **this docket?**

20 A. Yes. First, Aqua is seeking a waiver of the Commission regulation that
21 requires that all records required by Commission's regulations be kept in an office
22 located in the State. Aqua does not maintain an office in South Carolina at this
23 time. Aqua's operations are run out of its offices in North Carolina and

1 Pennsylvania. Aqua will make any and all records available to the Office of
2 Regulatory Staff and the Public Service Commission for review. A toll free
3 customer service number is noted on each Aqua customer bill, and relying on
4 local South Carolina plumbing contractors, Aqua strives to provide the best
5 customer service possible. Accordingly, Aqua seeks a waiver of the rule
6 requiring that it keep its records in an office here in the state. Moreover, Aqua is
7 working with the Office of Regulatory Staff to include the rate structure or
8 reference to the rate structure on its billing as required by this Commission. If for
9 some reason Aqua is unable to include reference to its rate structure on its billing,
10 Aqua will seek a waiver of this requirement.

11 **Q. Does this conclude your testimony?**

12 **A. Yes, it does.**

CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that she has served below listed parties with a copy of the pleading to the persons indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: Application of Aqua South Carolina for Approval of a New
Schedule of Rates and Chares for Sewerage Services
Provided to Customers in Spartanburg County

Docket No.: 2009-12-S

PARTIES SERVED: Jeffrey M. Nelson, Esquire
Office of Regulatory Staff
P. O. Box 11263
Columbia, SC 29211

PLEADING: Settlement Testimony of Brian P. Devine


Marcia W. Walters, Legal Assistant

May 26, 2009